

**COURSE DATA****Data Subject**

<b>Code</b>	33562
<b>Name</b>	Labour law I
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2023 - 2024

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1309 - Degree in Labour Relations and Human Resources	Faculty of Social Sciences	1	Second term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1309 - Degree in Labour Relations and Human Resources	10 - Labour law	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
GARCIA RUBIO, MARIA AMPARO	76 - Labour and Social Security Law

**SUMMARY**

The subject "Labour Law I", an obligatory subject with 6 ECTS credits, is taken in the second semester of the first year of the Degree in Labour Relations and Human Resources. In this way, students undertake the study of this subject after having obtained, with the first semester subject "Instruments and techniques of information, study and documentation", the essential methodological knowledge to assimilate and develop the theoretical-practical teachings of the Degree; and with the subject "Basic legal elements for labour relations", the essential knowledge for learning the subjects of the area of knowledge "Labour Law and Social Security".

This subject is part of the block of subjects that aim to familiarise students with the basic regulation of relations (individual, collective, social protection or procedural) that arise in relation to subordinate and salaried work, being taken simultaneously with the subject "Trade Union Law", through which students are introduced to the study of collective labour relations. On the other hand, the subject is another pillar on which to base the knowledge that will be covered in other subjects, such as Labour Law II, Regulatory framework and management of occupational risk prevention, Social Security Law I and II and Procedural Labour Law.



Students should bear in mind that legal disciplines are not watertight compartments, independent and completely autonomous from each other. In addition to the fact that all previous knowledge is useful for the understanding of the new concepts that are introduced, the knowledge acquired in the legal subjects of the first year of the Degree will be especially useful in the introduction of the new concepts inherent to the discipline of Labour Law and Social Security. Specifically, with "Labour Law I", the study of the legal institutions of labour relations begins from their individual aspect (worker-company relationship), with a clear continuity in the subject "Labour Law II", which is completely indebted to the knowledge acquired in "Labour Law I".

With regard to the specific contents of this subject, it should be noted that these refer, firstly, to the identification of the existence of an employment relationship, delimiting subordinate employment from self-employment and analysing "intermediate" situations, such as special employment relationships and economically dependent self-employment. Secondly, the course deals with the figure of the company from an employment point of view, covering all the problems derived from the new forms of business organisation (groups of companies, contracts, transfer of workers, transfer of company) and the extension of responsibilities derived from the employment contract. Thirdly, the subject focuses on the essential and formal requirements of contracting and on the different contractual modalities existing in our labour law. In this subject, the peculiarities of access to contracting for some specific groups - e.g. foreigners, women, the disabled, minors - and possible discrimination in access to employment are studied. Finally, the basic contents of the determination of the provision of work and the object of the employment contract, professional classification and contractual agreements are introduced.

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

Relationship with other subjects of the same degree

No enrolment restrictions have been specified.

### OTHER TYPES OF PREREQUISITES

The completion of the subject Basic Legal Elements is advisable, since it will introduce indispensable juridical concepts for the remaining law-related subjects, and information, study and research tools and techniques in order to learn about their use and application on legal documents.

## OUTCOMES



### **1309 - Degree in Labour Relations and Human Resources**

- Students must have acquired knowledge and understanding in a specific field of study, on the basis of general secondary education and at a level that includes mainly knowledge drawn from advanced textbooks, but also some cutting-edge knowledge in their field of study.
- Students must be able to apply their knowledge to their work or vocation in a professional manner and have acquired the competences required for the preparation and defence of arguments and for problem solving in their field of study.
- Students must have the ability to gather and interpret relevant data (usually in their field of study) to make judgements that take relevant social, scientific or ethical issues into consideration.
- Students must be able to communicate information, ideas, problems and solutions to both expert and lay audiences.
- Students must have developed the learning skills needed to undertake further study with a high degree of autonomy.
- Be able to learn independently and develop initiative and entrepreneurship.
- Be able to organise and plan.
- Be able to manage information and to write and formalise reports and documents.
- Be able to analyse, synthesise and reason critically.
- Be able to solve problems, apply knowledge to practice and develop motivation for quality.
- Be able to communicate orally and in writing.
- Be able to use new information and communication technologies.
- Be able to work in a team.
- Respect and promote the principles of fundamental rights, gender equality, equal opportunities and non-discrimination, democratic values and sustainability.
- Know and apply the principles of the professional code of ethics.
- Know and apply the regulatory framework of labour relations.
- Know and be able to analyse the principles, spheres and procedures of action of social and labour-related political institutions.
- Be able to interrelate the knowledge from the different academic disciplines that analyse the work environment.
- Analyse and evaluate the factors that determine inequalities in the world of work.
- Analyse and evaluate the decisions of the agents that participate in labour relations.
- Be able to select and manage social and labour information and documentation.
- Be able to advise on and deal with employment and hiring matters.
- Know and apply the basic regulatory framework of private contracting and company law to the business field.



## LEARNING OUTCOMES

Upon successful completion of this subject, students must be able to:

- Differentiate an employment contract from other legal documents which regulate employment. Through the identification of the field of Labour Law, students will achieve a deeper knowledge and understanding of the different branches of Law.
- Give advice on the management of the need of workers from a legal labour perspective, considering aspects such as labour consequences derived from the productive externalization, the election of an adequate contractual modality, the possibilities derived from the stipulation of a probationary period, foreign employees, non-discrimination regulations, etc. This calls for an extensive knowledge on labour regulations and the ability of understanding and reasoning legal texts.
- Carry out a juridical analysis of real, socio-occupational situations. Be able to evaluate the interests at stake regarding individual labour relations and the applicable legal regulations. In order to achieve this, students must base their analysis on the following:
  - The sources of Labour Law (legislation and collective agreements) and their interpretation (use, reading and understanding of judiciary decisions).
  - Employment contract as a contract subject to general regulations related to recruitment (Civil Code) and special regulations regarding the work contract (Workers' Statute and other labour regulations).
  - The existing socio-occupational context in our country.
- Draft legal and labour basic documents (especially contracts).
- Evaluate the objectives pursued by the legal regulations in a critical way (this is, identify the model of labour relations existent in our legal system) as well as the tools provided to labour regulations by the legislator in order to guarantee its efficiency.

In the later courses of the Degree, as well as through postgraduate studies, students will be able to deepen in the attainment and extension of these objectives.

## DESCRIPTION OF CONTENTS

### 1. THE EMPLOYMENT RELATIONSHIP

- I. INTRODUCTION: THE SUBJECT MATTER OF LABOUR LAW
- II. BIRTH AND DEVELOPMENT OF LABOUR LAW: HISTORICAL PERSPECTIVE
- III. ANALYSIS OF THE LEGAL TYPE OF EMPLOYMENT CONTRACT
  - A) Qualifying elements and problems of legal qualification
  - B) Legal exclusions
  - C) Special employment relationships (referral)





## **2. THE COMPANY IN LABOUR LAW. THE EXTENSION OF COMPANY RESPONSIBILITIES**

I. COMPANY, WORKPLACE AND AUTONOMOUS PRODUCTIVE UNIT

II. IMPUTATION OF CORPORATE LIABILITY

A) Company groups

B) Contracting and subcontracting of works and services

C) Illegal transfer of workers

D) Legal transfer of workers: Temporary employment agencies and their legal regime.

E) Succession or transfer of the company

## **3. THE EMPLOYMENT CONTRACT: THE ENTRY OF THE EMPLOYEE INTO THE COMPANY**

I. CAPACITY TO CONTRACT AND ITS LIMITATIONS

II. THE FORMALISATION OF THE EMPLOYMENT CONTRACT AND CONSEQUENCES OF ITS BREACH

III. VALIDITY AND INEFFECTIVENESS OF THE LABOUR CONTRACT

IV. FREEDOM OF CONTRACT AND FREEDOM OF CHOICE OF THE WORKER

V. THE PROBATIONARY PERIOD

## **4. TYPES OF EMPLOYMENT CONTRACT**

I. INDEFINITE CONTRACTING AND ITS MODALITIES

II. TEMPORARY CONTRACTS

A) Causal temporary hiring

B) Temporary contracts for the promotion of employment

C) Training contracts

D) Provisions common to temporary contracts

E) Temporary hiring in Public Administrations (referral)

III. PART-TIME EMPLOYMENT CONTRACTS

IV. PARTIAL RETIREMENT AND RELIEF CONTRACTS

V. TELECOMMUTING

VI. JOINT WORK AND GROUP CONTRACTS. THE ASSOCIATE ASSISTANT

## **5. DETERMINATION OF THE PROVISION OF WORK**

I. OBJECT OF THE EMPLOYMENT CONTRACT AND DETERMINATION OF THE EMPLOYMENT BENEFIT

II. DETERMINATION OF FUNCTIONS: PROFESSIONAL CLASSIFICATION

III. THE PERFORMANCE DUE

IV. CIRCUMSTANCES OF THE PERFORMANCE OF THE WORK: PLACE AND TIME OF WORK

V. THE DUTY OF GOOD FAITH AND OTHER OBLIGATIONS OF THE WORKING PEOPLE



## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Study and independent work	35,00	0
Preparing lectures	15,00	0
Resolution of case studies	35,00	0
Resolution of online questionnaires	5,00	0
<b>TOTAL</b>	<b>150,00</b>	

## TEACHING METHODOLOGY

The course is based on personal, individual or group work by students, combining theoretical and practical training activities, tutoring and those that include study and assessment, as described below.

A) Expository type activities (theoretical presentations using the participative lecture method, or seminars or presentations of work are also possible):

- Theoretical presentations by the teaching staff will present the general configuration of the main legal institutions, as well as the interests underlying them. They will also deal with the more general normative and interpretative criteria of the discipline.
- Seminars and workshops will allow for the discussion of partial aspects of this discipline with the idea that, following reflection and personal or small group work, students will be able to discover the legal and political-legal problems that exist in the different institutions.
- The work proposed by the teacher in charge allows students to train in the processing of legal information (collection and elaboration) and to put it at the service of problem solving. Through their written and/or oral presentation, students acquire skills in the field of exposition, which are essential for a jurist.

B) Practical activities, which take the form of the following possibilities: solving cases, classroom practice, computer applications, workshops, or practice outside the classroom.

- Through learning based on problems taken from the socio-occupational reality, students are confronted with the real functioning of the legal methodology (argumentative criteria) as well as the specific aspects of problem management (preparation of the documentation related to it). The analysis is integrated, where appropriate, with the use of computer tools related to the collection of information and/or document management.

C) Tutorials. Without prejudice to the use of individual or small group tutorials, group tutorials will be carried out.

D) Work, study and assessment activities. Individual or, where appropriate, team work is instrumental to the techniques described above. It can be specified in the development of the proposed work, prior preparation of the theory classes by reading the subject and solving questionnaires, carrying out the practical assumptions, answering the proposed tests, attending and taking advantage of the scheduled tutorials, and in general, the study of the subject.



With regard to the computer resources used by teachers and students in the learning process, it is worth mentioning the use of the Virtual Classroom as an instrument of communication and dynamisation of the subject. Students will also be introduced to the possibilities currently offered by employment services via the Internet, with the simple aim of making students aware of their existence and familiarising them with the possibilities offered by the Internet in the field of labour relations.

## EVALUATION

The evaluation system will be as follows:

a) Oral or written tests, consisting of one or two exams including theoretical, practical, objective or semi-objective questions, case-solving and/or short answer questions will make up 70% of the final grade. General criteria of evaluation will be the following:

- Adequacy of answer to question: concretion, precision and legal justification.
- Composition and spelling: spelling mistakes can reduce the grade and even lead to exam failure.
- Terminological and technical precision.
- Coherence and internal logic of answer argumentation.

\*\* passing the final exam is a necessary condition for passing the course.

b) Continuous assessment through assessment of practical and theoretical activities submitted throughout the semester, active participation and engagement of the student in the teaching-learning process, as well as abilities and skills shown during the development of activities.

\*\* Continuous assessment is worth 30% of the grade. Anyways, it will only be considered if students pass the final exam.

When, in application of the rules foreseen for the case of coincidence of exams in the Regulation of Evaluation and Qualification of the Degrees and Masters of the Universitat de València, or any other cause established by regulations (e.g. justified cases of force majeure), it is necessary to carry out the test on a different date from the official one, the responsible faculty may determine a different exam modality to the one foreseen in the teaching guide. In these cases, the new type of exam to be taken must maintain the same level of demand and difficulty as the one taken in general for the rest of the group.

Students who have followed the continuous assessment and have been assessed, in the event of not taking the final exam on the official exam date (both in 1st and 2nd call), will obtain the grade of NOT PRESENTED.



## REFERENCES

### Basic

- AA.VV ((Dir. GOERLICH PESET, J.M.). Derecho del Trabajo, Edit. Tirant Lo Blanch, Valencia.
- Cualquier otro manual actualizado sobre Derecho del Trabajo puede ser utilizado aunque no se ajuste plenamente al contenido de la asignatura.
- Legislación Laboral y de Seguridad Social. Edit. Aranzadi. Pamplona.
- Estatuto de los Trabajadores. Edit. Tirant Lo Blanch. Valencia.
- Legislación Laboral. Edit. Tecnos, Madrid.
- Legislación social básica. Edit. Civitas, Madrid.
- Estatuto de los Trabajadores. Edit. Tecnos, Madrid.
- <http://www.noticias.juridicas.com/>
- <http://www.boe.es>

### Additional

- Base de datos WESTLAW
- Base de datos de IUSTEL
- Base de datos TIRANTONLINE
- Base de datos NAUTIS